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PATENT
00-S-023

#14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
CHARLES F. NEUGEBAUER)
Serial No.: 09/536,880)
Confirmation No.: 3367)
Filed: March 27, 2000)
For: CONTEXT SENSITIVE SCALING)
CIRCUIT AND METHOD)
)

Group Art Unit: 2672

Examiner: J. Brier

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PETITION REQUESTING
WITHDRAWAL OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner requests that the abandonment of the above-identified application, as set forth in the "Notice of Abandonment" mailed by the Patent and Trademark Office on December 10, 2004, be withdrawn.

A Final Office Action was mailed on October 30, 2003. In response, Petitioner timely filed a Notice of Appeal that was received in the Patent and Trademark Office on March 8, 2004. After filing this Notice of Appeal, Petitioner was required to file an Appeal Brief within a period of two months from the date of the Notice of Appeal, which period could be extended by obtaining an extension of time under 37 CFR § 1.136(a). Petitioner filed an Appeal Brief ("Appellant's Brief") along with a Petition for Extension of Time on August 9, 2004 (the first business day following August 8, 2004, which fell on a Sunday). This Appeal Brief was timely filed because it was accompanied by a petition under 37 CFR § 1.136(a) for a three-month extension of time and was mailed within five months from the date of the Notice of Appeal, was fully responsive to every ground of rejection stated by the Examiner, and complied with all of the requirements of the rules. Therefore, this application should not have been abandoned.

Petitioner respectfully requests withdrawal of the Notice of Abandonment. Petitioner requests that his appeal to the Board of Patent Appeals and Interferences proceed on the basis of the attached copy of the papers that were originally filed.

Submitted herewith are copies of the following:

1. Appeal Brief ("Appellant's Brief") in triplicate dated August 9, 2004 (Exhibit D), which includes an executed certificate of mailing showing a mailing date of August 9, 2004;
2. Petition for Extension of Time dated August 9, 2004 (Exhibit C), which includes an executed certificate of mailing showing a mailing date of August 9, 2004;
3. Transmittal dated August 9, 2004 (Exhibit B);
4. Return postcard dated August 9, 2004 (Exhibit A);
5. Declaration (Exhibit E) containing a statement attesting on a personal knowledge basis to the previous timely mailing as required by 37 C.F.R. § 1.8(b)(3); and
6. Notice of Abandonment dated December 10, 2004 (Exhibit F).

As no defect exists in Petitioner's previous submission, Petitioner has not enclosed a fee payment. However, should consideration of this Petition require payment of a fee, the Office is authorized to charge such fee to Deposit Account No. 50-1556.

An Examiner's Answer is respectfully requested.

Respectfully submitted,

Date: February 8, 2005

By: _____


Stephen Bongini
Registration No. 40,917
Attorney for Petitioner

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I hereby certify that this correspondence is
being deposited with the United States Postal
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mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450,

Alexandria, VA 22313-1450, on 2/8/05.
Date of Deposit

Stephen Bongini
Appellant, Assignee, or Representative

S. B.
Signature

2/8/05
Dated

EXHIBIT A

USPTO: PLEASE VERIFY, STAMP, DATE
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Serial No.: 09/536,880
Filed: March 27, 2000

For: *CONTEXT SENSITIVE SCALING CIRCUIT AND METHOD*

Enclosed are the following:

Transmittal; Petition for Extension of Time; and Appellants' Brief in triplicate (21 pages)

Docket No. 00-S-023

230-A00-003

August 9, 2004

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EXHIBIT B

Docket No. 00-S-023

In re application of: Charles F. Neugebauer
Serial No.: 09/536,880
Filed: March 27, 2000
For: CONTEXT SENSITIVE SCALING CIRCUIT AND METHOD

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450



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Sir:

Transmitted herewith, in triplicate, is Appellant's Brief in support of his appeal to the Board of Patent Appeals and Interferences from the decision dated October 30, 2003 of the Examiner finally rejecting claims 3, 5-10, 12-16, 18-22, 24, and 25 of the above-referenced application.

- [X] A petition for extension of time is enclosed.
- [X] The Commissioner is hereby authorized to charge payment in the amount of \$330.00 to cover the filing fee to Deposit Account No. 50-1556.
- [X] The Commissioner is hereby authorized to charge payment in the amount of \$950.00 to cover the extension fee to Deposit Account No. 50-1556.
- [X] The Commissioner is hereby authorized to charge payment of any necessary fees associated with this communication or credit any overpayment to Deposit Account No. 50-1556.

Respectfully submitted,



Stephen Bongini
Registration No. 40,917

Date: August 9, 2004

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